



Paul R. LePage
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Pharmacy
Minutes of January 7, 2016 Board Meeting

CALL TO ORDER

President Bruno called the meeting to order at 8:00 a.m.

MEMBERS PRESENT

Joseph Bruno, R.Ph., Pharmacist, President
Donald Watson, R.Ph., Hospital Pharmacist, Vice President
Kevin Holland, R.Ph., Independent Pharmacist
Bradley Hamilton, R.Ph., Chain Pharmacist
Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer
Kirsten Martin, Public Member
Joseph Pietroski, Public Member

STAFF PRESENT

Andrew Black, AAG, Board Attorney
Geraldine Betts, Board Administrator
Kelly McLaughlin, Comprehensive Health Planner I
Thomas Avery, Chief Field Investigator
Jessica Gowell, Planning & Research Associate I

OLD BUSINESS

Review and approval of the minutes of November 5, 2015

In a motion by Martin, seconded by Holland, to accept the minutes of November 5, 2015 and as presented. Motion carried.

NEW BUSINESS

Complaint Committee's Report

2015 PHA 11212

In a motion by Pietroski, seconded by Hamilton, to amend the proposed Consent Agreement in the matter of 2015 PHA 11212 amended the fine to \$4,500.00 based on receipt of documentation that verifies that a pharmacist in charge was in place in the residence state. Motion carried, Complaint Officer recused.

2015 PHA 10968

Licensing (207)624-8579
Main Receptionist (207)624-8603
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www.maine.gov/professionallicensing

Geraldine.L.Betts@maine.gov
Direct Line: (207)624-8625
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OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

In a motion by Hamilton, seconded by Pietroski, to amend the proposed Consent Agreement in the matter of 2015 PHA 10968 amended the fine to \$1,500.00. Motion carried, Complaint Officer recused.

2015 PHA 11557

In a motion by Pietroski, seconded by Holland, to dismiss 2015 PHA 11557 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 11557

Hamilton recused and left the room

In a motion by Watson, seconded by Pietroski, to dismiss 2015 PHA 11557 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer and Hamilton recused.

2015 PHA 11612

In a motion by Martin, seconded by Pietroski, to dismiss 2015 PHA 11612 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 11613

In a motion by Pietroski, seconded by Hamilton, to dismiss 2015 PHA 11613 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 11614

Watson recused and left the room.

In a motion by Pietroski, seconded by Hamilton, to dismiss 2015 PHA 11614 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer and Watson recused.

2015 PHA 11611

In a motion by Pietroski, seconded by Hamilton, to dismiss 2015 PHA 11411 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused

2015 PHA 11546

In a motion by Martin, seconded by Pietroski, to dismiss 2015 PHA 11546 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 11578

In a motion by Pietroski, seconded by Martin, that sufficient evidence exists to schedule 2015 PHA 11578 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1), (5) and Board Rule Chapter 11 § 3; 2) Warning; and 3) Fine of \$3,000.00. Motion carried, Complaint Officer recused.

2015 PHA 10855

In a motion by Pietroski, seconded by Martin, that sufficient evidence exists to schedule 2015 PHA 10855 for an adjudicatory hearing and to offer a consent agreement to include the

following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(4), (5); 32 M.R.S. § 13831(1)(C); and Board Rules Chapter 4-A § 1(8); 2) Warning; and 3) Fine of \$13,000.00. Motion carried, Complaint Officer recused.

In a motion by Pietroski, seconded by Martin to issue a Letter of Guidance to each Pharmacist in Charge regarding the importance of reading the immunization protocol and know the expiration date of that protocol. Motion carried, Complaint officer recused.

2015 PHA 11454

In a motion by Pietroski, seconded by Hamilton, to table 2015 PHA 11454 for further investigation. Motion carried, Complaint Officer recused.

2015 PHA 11627

Savage recused and left the room.

In a motion by Pietroski, seconded by Watson, that sufficient evidence exists to schedule 2015 PHA 11627 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(C); Board Rule Chapter 13, § 3(2), Board Rules Chapter 29 § 1(6) and 21 C.F.R. § 1304.11(c) 2) Warning; and 3) Fine of \$250.00. Motion carried, Complaint Officer and Watson recused.

Election of Officers for 2016

In a motion by Savage, seconded by Hamilton, to nominate and elect Kevin Holland as Complaint Officer. Motion carried.

In a motion by Savage, seconded by Martin, to nominate and elect Joseph Bruno as President; and nominate and elect Donald Watson, as Vice President.

Waiver of Hours – Ashland Drug Store – PH50000822

In a motion by Savage, seconded by Watson, to accept staff's recommendation to grant waiver of hours to a minimum of twenty (20) hours per week at this location through December 31, 2016, any change of employment this waiver will become void. Motion carried.

Correspondence

Robert Gross, Codeine cough syrup

The Board reviewed the correspondence and took no action.

Charles Ouellette, Clarification of Rules and laws pertaining to pharmaceutical services at a rural health center

In a motion by Martin, seconded by Pietroski, to table the correspondence for further information. Motion carried.

Board Discussion – Delegate Authority

In a motion by Savage; seconded by Hamilton, to delegate executive authority to the board administrator to issue a license where on an application filing the applicant does not report disciplinary action taken by the Maine pharmacy board. Discipline imposed by any other jurisdiction must be appropriately disclosed when responding to questions on any of the board's

applications. Where an individual or a company with prior discipline appropriately reports the action to the board also delegates executive authority the board administrator to act on the application and issuance of a license without further Board action. Motion carried.

In a motion by Savage; seconded by Hamilton, that in conjunction with a pharmacist in charge (“PIC”) application for a pharmacy located within the State and for an out of state mail order pharmacy, the incoming PIC must disclose all disciplinary action(s) specifically only for the pharmacy location where the pharmacist will be the PIC. The Board interprets the word “entity” to mean for the pharmacy location where the pharmacist will be PIC. Motion carried.

Public Comments

None

ADJOURN

There being no further business Holland, motioned to adjourn at 9:56 a.m. seconded by Martin. Motion carried.